

AMENDED IN ASSEMBLY MAY 2, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1377

**Introduced by Assembly Member Dymally
(Coauthor: Assembly Member Berg)**

February 22, 2005

~~An act to amend Section 46305 of the Education Code, relating to school finance.~~ *An act to amend Sections 41601, 42238.5, and 46305 of, and to add Section 46010.4 to, the Education Code, relating to education, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1377, as amended, Dymally. ~~School finance: average daily attendance.~~

Existing law requires each elementary, high school, and unified school district to report to the Superintendent of Public Instruction the active enrollment and the actual attendance of pupils, as provided.

Existing law requires that the average daily attendance in the regular elementary, middle, and high schools, including continuation schools and classes, opportunity schools and classes, and special day classes, maintained by the school districts be determined by dividing the total number of days of attendance allowed in all full school months in each period by the number of days the schools are actually taught in all full school months in each period, exclusive of Saturdays or Sundays and exclusive of weekend makeup classes, as provided.

This bill would revise that method of determining the average daily attendance in regular elementary, middle, and high schools to, instead, divide the sum of the active enrollment figures reported for those schools during each period by the number of school months in which those figures were calculated during that period. The bill would

require that average daily attendance in continuation schools and classes be determined by dividing the total number of days of attendance allowed in all full school months in each period by the number of days the schools and classes are actually taught in all full school months in each period.

Existing law requires that, for purposes of calculating revenue limits for each school district in a county, regular average daily attendance be the base revenue limit average daily attendance, excluding summer school average daily attendance.

This bill would revise that calculation to require that regular average daily attendance be the average daily attendance calculated pursuant to a specified provision, excluding summer school average attendance, but including the fiscal year limits of average daily attendance for pupils concurrently enrolled in adult programs and classes.

The bill would require the State Board of Education, on or before January 1, 2007, to adopt model standards of accountability for pupil attendance, as specified.

Existing law defines the term “active enrollment,” for purposes of provisions calculating attendance data on a day a count is taken, to mean the pupils in enrollment in the regular schooldays of the district on the first day of the school year in which the schools were in session, plus all later enrollees, minus all withdrawals since that day.

This bill would revise that definition of “active enrollment” on a day a count is taken to mean the pupils in enrollment in the regular schooldays of the district on the first day of the school year in which the schools were in session, plus all later enrollees, minus all withdrawals, between that day and the day active enrollment is counted, and would define the terms “pupils in enrollment” and “withdrawals.”

The bill would require the Superintendent of Public Instruction, on or before January 1, 2007, to report to the Legislature regarding the feasibility of accomplishing those new methods of calculating school attendance data. The bill would require the State Department of Education, on or before January 1, 2007, to submit to the Legislature a comprehensive report of recommendations for amending specified laws governing the calculation of school attendance data, as provided.

The bill would appropriate the sum of \$250,000 to the State Department of Education, without regard to fiscal year, to prepare that report.

This bill would make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 41601 of the Education Code is amended to read:

41601. For the purposes of this chapter, the governing board of each school district shall report to the Superintendent of ~~Public Instruction~~ during each fiscal year the average daily attendance of the district for all full school months during (1) the period between July 1 and December 31, inclusive, to be known as the “first period” report for the first principal apportionment, and (2) the period between July 1 and April 15, inclusive, to be known as the “second period” report for the second principal apportionment. Each county superintendent of schools shall report the average daily attendance for the schools and classes maintained by him or her and the average daily attendance for the county school tuition fund.

Each report shall be prepared in accordance with instructions on forms prescribed and furnished by the Superintendent of ~~Public Instruction~~. Average daily attendance shall be computed in the following manner:

(a) The average daily attendance in the regular elementary, middle, and high schools, ~~including continuation schools and classes, opportunity schools and classes, and special day classes,~~ maintained by the school districts shall be determined by dividing the ~~total number of days of attendance allowed in all full school months in each period by the number of days the schools are actually taught in all full school months in each period, exclusive of Saturdays or Sundays and exclusive of weekend makeup classes pursuant to Section 37223~~ sum of the active enrollment figures reported for those schools pursuant to Section 46305 during each period by the number of school months in which those figures were calculated during that period. The

1 *average daily attendance in continuation schools and classes*
2 *shall be determined by dividing the total number of days of*
3 *attendance allowed in all full school months in each period by*
4 *the number of days the schools and classes are actually taught in*
5 *all full school months in each period, exclusive of Saturdays or*
6 *Sundays and exclusive of weekend makeup classes pursuant to*
7 *Section 37228.*

8 (b) The attendance for schools and classes maintained by a
9 county superintendent of schools and the county school tuition
10 fund shall be reported in the same manner as reported by school
11 districts. The average daily attendance in special education
12 classes operated by county superintendents of schools shall be
13 determined in the same manner as ~~all other attendance for~~
14 *regular elementary, middle, and high school classes* under
15 subdivision (a). The average daily attendance in all other schools
16 and classes maintained by the county superintendents of schools
17 shall be determined by dividing the total number of days of
18 attendance in all full school months in the first period by a
19 divisor of 70, in the second period by 135 and at annual time by
20 175. For attendance in special classes and centers pursuant to
21 Section 56364 or Section 56364.2, as applicable, the average
22 daily attendance shall be reported by the county superintendents
23 of schools, but credited for revenue limit purposes to the district
24 in which the pupil resides.

25 (c) The days of attendance in classes for adults and regional
26 occupational centers programs shall be reported in the same
27 manner as all other attendance under subdivision (a). The
28 average daily attendance in those schools and classes shall be
29 determined by dividing the total number of days of attendance in
30 all full school months in the first period by a divisor of 85 in the
31 second period by 135 and at annual time by 175.

32 (d) *For purposes of determining the incentive funding*
33 *pursuant to Sections 46200.5 and 46201.5, the average daily*
34 *attendance in special education classes operated by county*
35 *offices of education shall be determined in the same manner as*
36 *average daily attendance is determined by continuation schools*
37 *and classes under subdivision (a).*

38 SEC. 2. Section 42238.5 of the Education Code is amended to
39 read:

1 42238.5. (a) For purposes of Section 42238, the fiscal year
2 average daily attendance shall be computed pursuant to
3 paragraph (1) or (2).

4 (1) The second principal apportionment regular average daily
5 attendance for either the current or prior fiscal year, whichever is
6 greater. However, prior fiscal year average daily attendance shall
7 be adjusted for any loss or gain of average daily attendance due
8 to a reorganization or transfer of territory, or, commencing in the
9 1993–94 fiscal year, and each fiscal year thereafter, for any
10 change in average daily attendance for pupils who are
11 concurrently enrolled in adult programs and classes pursuant to
12 Section 52616.17.

13 (2) Any school district that elects to receive funding pursuant
14 to Article 4 (commencing with Section 42280) shall compute its
15 units of average daily attendance for purposes of Section 42238
16 by subtracting the amount determined in subparagraph (B) from
17 the amount determined in subparagraph (A).

18 (A) The units of average daily attendance computed pursuant
19 to paragraph (1).

20 (B) The units of average daily attendance resulting from pupils
21 attending schools funded pursuant to Article 4 (commencing with
22 Section 42280).

23 ~~(b) For purposes of this article, regular average daily~~
24 ~~attendance shall be the base revenue limit average daily~~
25 ~~attendance, excluding summer school average daily attendance.~~
26 *For purposes of this article, regular average daily attendance*
27 *shall be the average daily attendance calculated pursuant to*
28 *subdivision (a) of Section 41601, excluding summer school*
29 *average attendance, but including the fiscal year limits of*
30 *average daily attendance for pupils concurrently enrolled in*
31 *adult programs and classes.*

32 (c) For purposes of this section, for the 1998–99 fiscal year
33 only, the prior year average daily attendance shall be the
34 1997–98 regular average daily attendance, excluding absences
35 excused pursuant to subdivision (b) of Section 46010, as that
36 subdivision read on July 1, 1996.

37 SEC. 3. Section 46010.4 is added to the Education Code, to
38 read:

39 46010.4. (a) (1) On or before January 1, 2007, the State
40 Board of Education shall adopt model standards of

1 accountability for pupil attendance as reported pursuant to
2 Section 46305.

3 (2) The standards adopted pursuant to paragraph (1) shall
4 include, but not be limited to, the calculation of average actual
5 daily attendance as a percentage of active enrollment, and of the
6 percentage of pupils actively enrolled in grades 9 to 12,
7 inclusive, who are enrolled in at least five courses per semester
8 or semester equivalent. These five courses may include adult
9 education, postsecondary, and regional occupational program
10 courses in which pupils are concurrently enrolled, as well as
11 employment when the economic necessity for the employment of
12 the pupil is verified.

13 The two standards described in this paragraph shall reflect
14 normative figures based on aggregated data reported pursuant to
15 Section 46305 for groups of similar schools, as determined by the
16 board. The bases for the grouping of similar schools include, but
17 are not limited to, grade span, type of community served, and
18 estimates of pupils transiency if transiency is found to be
19 statistically significant as an independent variable.

20 (3) Other criteria the board may consider for adoption
21 pursuant to this subdivision include the capacity to rapidly and
22 efficiently track actual pupil attendance, the currency of data on
23 actual pupil attendance, the availability of services within a
24 school to notify parents and counsel pupils regarding attendance,
25 and the availability of alternative educational sen for pupils with
26 deficient attendance patterns.

27 (b) On or before July 1, 2007, the governing board of each
28 school district shall adopt, for each school or group of similar
29 schools within the district, standards of school attendance
30 accountability that include, but are not limited to, the two
31 standards described in paragraph (2) of subdivision (a).
32 Differences between the district's standards adopted by the
33 school district and the model standards adopted by the State
34 Board of Education pursuant to subdivision (a) shall be
35 presented for public consideration at a public hearing of the
36 governing board of the school district. The governing board may
37 modify its adopted standards in accordance with the conditions
38 set forth in this subdivision.

39 (c) On or before January 1, 2008, and every two years
40 thereafter, the governing board of each school district shall

1 report to the department, on forms prepared by the department,
2 the pupil attendance performance of each school within the
3 district for each of the two preceding completed fiscal years, as
4 evaluated under the standards adopted pursuant to subdivision
5 (b).

6 (d) (1) Beginning with the second report required under
7 subdivision (c) and for each biennial report thereafter, for each
8 school for which the actual pupil attendance for the immediately
9 preceding fiscal year, as a percentage of active enrollment, is 10
10 percent or more below the average of that percentage for schools
11 in the same group throughout the state, if the school has not
12 reduced the variance from the amount of its variance, if any, in
13 the previous fiscal year, the Superintendent shall calculate a sum
14 of money as follows:

15 (A) Identify the number of percentage points by which the
16 school's average actual pupil attendance, relative to active
17 enrollment, is exceeded by the average of that percentage for
18 schools in the same group throughout the state by more than 5
19 percent

20 (B) Multiply one-half of the result of subparagraph (A) by one
21 percent of the portion of the school district's second period base
22 revenue limit apportionment for the immediately preceding fiscal
23 year that is attributable to the average daily attendance of pupils
24 enrolled in the school.

25 (2) The Superintendent shall reduce the second principal
26 apportionment to the school district for the current fiscal year by
27 an amount equal to the sum calculated under paragraph (1), and
28 shall apportion that amount to the school district to be expended
29 for the sole purpose of funding efforts to increase attendance at
30 schools within the district.

31 (e) If a report submitted by a school district pursuant to
32 subdivision (c) identifies a school within the district as having an
33 attendance rate variance that meets the threshold described in
34 subdivision (d) in the immediately preceding report submitted by
35 the district and the school fails to display an improvement in that
36 attendance rate, the amount of funding calculated as to that
37 school under subdivision (d) shall be allocated to the county
38 office of education of the county in which the school is located,
39 rather than to the school district. The county office of education
40 shall expend that amount for the sole purpose of funding efforts

1 to increase attendance at the school. In the case of any county
2 having only one school district, the Superintendent may allocate
3 the amount described in this subdivision to a county office of
4 education in an immediately adjacent county, to be expended for
5 the purpose described in this subdivision.

6 (f) At the request of a school district, and upon the showing of
7 extraordinary circumstances, the State Board of Education may
8 waive the application to that district of subdivision (d) or (e), or
9 both subdivisions.

10 SEC. 4. Section 46305 of the Education Code is amended to
11 read:

12 46305. (a) Each elementary, high school, and unified school
13 district shall report to the Superintendent of Public Instruction on
14 forms prepared by the Department of Education and each county
15 office of education in addition to all other attendance data as
16 required, the active enrollment as of the third Wednesday of each
17 school month and the actual attendance on the third Wednesday
18 of each school month; ~~except that if such day is a school holiday,~~
19 ~~the active enrollment and actual attendance of the first immediate~~
20 ~~preceding schoolday shall be reported. "Active enrollment" on a~~
21 ~~day a count is taken means the pupils in enrollment in the regular~~
22 ~~schooldays of the district on the first day of the school year on~~
23 ~~which the schools were in session, plus all later enrollees, minus~~
24 ~~all withdrawals since that day., except that if that Wednesday is a~~
25 ~~school holiday, the active enrollment and actual attendance shall~~
26 ~~be reported for the immediately preceding schoolday. The~~
27 ~~reports required under this subdivision shall be submitted on~~
28 ~~forms, as prepared by the department, that provide for the~~
29 ~~reporting of a separate active enrollment figure for each school~~
30 ~~under the jurisdiction of a school district or county office of~~
31 ~~education.~~

32 (b) For purposes of subdivision (a), pupils in any of grades 1
33 to 12, inclusive, who are enrolled for less than the minimum day
34 or week otherwise applicable pursuant to Article 2 (commencing
35 with Section 46110), Article 3 (commencing with Section 46140),
36 and Article 4 (commencing with Section 46160) of Chapter 2,
37 except special day class pupils and pupils receiving instruction
38 pursuant to Section 48206.3, shall be counted as fractions of
39 units of active enrollment. Each full hour of daily instruction for
40 which a pupil is enrolled who is subject to this subdivision shall

1 *be counted under subdivision (a) as one-fourth of one unit of*
2 *active enrollment.*

3 *(c) Each pupil who is enrolled in a kindergarten class*
4 *operated pursuant to Section 46119 shall be counted under*
5 *subdivision (a) as one-half of one unit of active enrollment.*

6 *(d) For purposes of this section, the following definitions*
7 *apply:*

8 *(1) "Active enrollment" on a day a count is taken means the*
9 *pupils in enrollment in the regular schooldays of the district on*
10 *the first day of the school year on which the schools were in*
11 *session, plus all later enrollees, minus all withdrawals, between*
12 *that first day and the day active enrollment is counted.*

13 *(2) "Pupils in enrollment" means pupils who have completed*
14 *at least one day of actual attendance and for whom, in*
15 *accordance with regulations adopted by the State Board of*
16 *Education, the school district has established a permanent*
17 *record.*

18 *(3) "Withdrawals" means pupils who were in enrollment on*
19 *the first day of the school year in which the schools were in*
20 *session, but who have not completed at least one day of actual*
21 *attendance since the next preceding date for that school year in*
22 *which active enrollment was determined pursuant to subdivision*
23 *(a).*

24 *SEC. 5. On or before January 1, 2007, the Superintendent of*
25 *Public Instruction shall report to the Legislature regarding the*
26 *feasibility of accomplishing the purposes of Section 41601 of the*
27 *Education Code in a manner that avoids the need to apply a*
28 *percentage adjustment to the computation of "days of*
29 *attendance." The report shall include a draft of proposed*
30 *legislation that would be necessary to accomplish the*
31 *Superintendent's recommendations.*

32 *SEC. 6. (a) On or before January 1, 2007, the Department of*
33 *Education shall submit to the Legislature a comprehensive report*
34 *of recommendations for amending the Education Code, as*
35 *necessary, to ensure conformity with Sections 41601, 42238.5,*
36 *46010.4, and 46305 of the Education Code, and to simplify*
37 *provisions of the Education Code governing school attendance*
38 *accounting. The department shall revise and reprint its advisory*
39 *publication on school attendance accounting, as necessary, to*
40 *conform to any legislative action taken in response to that report.*

1 (b) *The sum of two hundred fifty thousand dollars (\$250,000)*
2 *is hereby appropriated from the General Fund to the Department*
3 *of Education, without regard to fiscal year, to be used for the*
4 *purposes of subdivision (a).*

5 ~~SECTION 1. Section 46305 of the Education Code is~~
6 ~~amended to read:~~

7 ~~46305. Each elementary, high school, and unified school~~
8 ~~district shall report to the Superintendent on forms prepared by~~
9 ~~the department, in addition to all other attendance data as~~
10 ~~required, the active enrollment as of the third Wednesday of each~~
11 ~~school month and the actual attendance on the third Wednesday~~
12 ~~of each school month, except that if that day is a school holiday,~~
13 ~~the active enrollment and actual attendance of the first immediate~~
14 ~~preceding schoolday shall be reported. "Active enrollment" on a~~
15 ~~day a count is taken means the pupils in enrollment in the regular~~
16 ~~schooldays of the district on the first day of the school year on~~
17 ~~which the schools were in session, plus all later enrollees, minus~~
18 ~~all withdrawals since that day.~~